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January 18, 2019

Via ECF

Hon. Jesse M. Furman, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: Request to Adjourn Initial Pretrial Conference
1:18-cv-12158-JMF *Hu v. Tea Pot 88, Inc. et al*

Your Honor,

We represent the Plaintiff in the above-referenced matter. We write respectfully, and pursuant to the Court's Orders of January 9, 2019 and January 1, 2019 (Dkt. Nos. 15 and 9 respectively) to request an adjournment of the Initial Pretrial Conference in this matter from January 24, 2019, as Defendants have not yet appeared, or Answered or otherwise moved with respect to the Complaint.

The operative Complaint in this matter was filed on December 26, 2018, with Summons issued to all Defendants on January 3, 2019 (Dkt. Nos. 6 and 12 respectively). On January 3, 2019, we transmitted the operative Complaint and Summons to a process server for service upon the Defendants. As of this writing, we are still awaiting the proofs of service. Defendants have not yet appeared in this action, Answered or otherwise moved with respect to the Complaint, or contacted our office in any way.

Accordingly, we have been unable to confer with the Defendants, either personally or through counsel, as to the matters contemplated in the January 1, 2019 order, principally a joint pre-Initial Pretrial Conference letter and Case Management Plan.

While the Court's January 1, 2019 order set an Initial Pretrial Conference date of April 11, 2019, but following Plaintiff's report that early mediation would not be effective (Dkt. No. 14) due to Plaintiff contemplating a motion for conditional collective certification, the January 9, 2019 Order advanced the Initial Pretrial Conference to January 24, 2019. For the reasons stated above—Defendants have not yet appeared and thus the parties have not been able to complete the pre-Initial Pretrial Conference meeting and conference contemplated in the Court's order—we believe this is too soon to hold the Initial Pretrial Conference.

Therefore, we request that the Initial Pretrial Conference be adjourned back to its original scheduled date of April 11, 2019, or alternatively, to sometime between January 24, 2019 and April 11, 2019 that is convenient to the Court and would, in the Court's good judgment, give adequate time for Defendants to appear and for the parties to confer while still making sure this matter moves forward at a brisk pace.

Hon. Jesse M. Furman, U.S.D.J.

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We thank the Court for its attention to and consideration of this matter.

Respectfully submitted,

TROY LAW, PLLC

/s/ John Troy

John Troy

Attorney for Plaintiffs

cc: via ECF

all counsel of record